

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CIVIL NO.: 1:12cv355-HSO-RHW
	§	
ROGELIO RODRIGUEZ-JUAREZ	§	1:10cr93-HSO-RHW

CERTIFICATE OF APPEALABILITY

A final order adverse to the applicant having been filed in the captioned case, in which the detention complained of arises out of process issued by a state court or a proceeding pursuant to 28 U.S.C. § 2254, or the detention arises out of a judgment and conviction in federal court which is being challenged pursuant to 28 U.S.C. § 2255, the Court, considering the record in this case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11 of the Rules Governing Section 2254 and 2255 Cases in the United States District Courts, hereby finds that:

- X A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right.

- A Certificate of Appealability should issue for the following specific issue(s):

REASONS:

Defendant has not made a “substantial showing of the denial of a constitutional right.” See 28 U.S.C. § 2253(c)(2); *Elizalde v. Dretke*, 362 F.3d 323, 328 (5th Cir. 2004). Defendant’s Motion, the record, and relevant legal authorities do not demonstrate that Defendant is entitled to relief under 28 U.S.C. § 2255. See Memorandum Opinion and Order Denying Defendant’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255.

DATE: April 18, 2014.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE